

104 BOSNIA: SHOULD THE OSCE CERTIFY
CONDITIONS EXIST FOR FREE AND
FAIR ELECTIONS?

Y 4. SE 2: 104-2-13

Bosnia: Should the OSCE Certify Con...

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
ONE HUNDRED FOURTH CONGRESS

SECOND SESSION

JUNE 26, 1996

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 104-2-13]



27-326CC U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1996

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-054193-X

104
BOSNIA: SHOULD THE OSCE CERTIFY
CONDITIONS EXIST FOR FREE AND
FAIR ELECTIONS?

Y 4. SE 2:104-2-13

Bosnia: Should the OSCE Certify Con...

HEARING
BEFORE THE
COMMISSION ON SECURITY AND
COOPERATION IN EUROPE
ONE HUNDRED FOURTH CONGRESS
SECOND SESSION

JUNE 26, 1996

Printed for the use of the
Commission on Security and Cooperation in Europe
[CSCE 104-2-13]



U.S. GOVERNMENT PRINTING OFFICE
WASHINGTON : 1996

27-326CC

For sale by the U.S. Government Printing Office
Superintendent of Documents, Congressional Sales Office, Washington, DC 20402
ISBN 0-16-054193-X

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

LEGISLATIVE BRANCH COMMISSIONERS

HOUSE

CHRISTOPHER H. SMITH, New Jersey,
Chairman
JOHN EDWARD PORTER, Illinois
FRANK R. WOLF, Virginia
DAVID FUNDERBURK, North Carolina
MATT SALMON, Arizona
STENY H. HOYER, Maryland
EDWARD J. MARKEY, Massachusetts
BILL RICHARDSON, New Mexico
BENJAMIN L. CARDIN, Maryland

SENATE

ALFONSE M. D'AMATO, New York,
Co-Chairman
BEN NIGHTHORSE CAMPBELL, Colorado
DIRK KEMPTHORNE, Idaho
RICK SANTORUM, Pennsylvania
SPENCER ABRAHAM, Michigan
FRANK R. LAUTENBERG, New Jersey
HARRY REID, Nevada
BOB GRAHAM, Florida
RUSSELL D. FEINGOLD, Wisconsin

EXECUTIVE BRANCH COMMISSIONERS

JOHN SHATTUCK, *Department of State*
ASHTON CARTER, *Department of Defense*
[VACANT], *Department of Commerce*

COMMISSION STAFF

DOROTHY DOUGLAS TAFT, *Chief of Staff*
MIKE HATHAWAY, *Deputy Chief of Staff*
SAMUEL G. WISE, *Director for International Policy*
RICHARD P. LIVINGSTON, *Senior Advisor*
MARIA COLL, *Office Administrator*
OREST DEYCHAKIWSKY, *Staff Advisor*
JOHN FINERTY, *Staff Advisor*
CHADWICK R. GORE, *Communications Director*
ROBERT HAND, *Staff Advisor*
JANICE HELWIG, *Staff Advisor*
MARLENE KAUFMANN, *Counsel for International Trade*
SANDY LIST, *GPO Liaison*
KAREN LORD, *Counsel for Freedom of Religion, Congressional Fellow*
RONALD MCNAMARA, *Staff Advisor*
MICHAEL OCHS, *Staff Advisor*
PETER SANTIGHIAN, *Receptionist / Computer Systems Manager*
ERIKA B. SCHLAGER, *Counsel for International Law*

CONTENTS

Opening Statement of Chairman Christopher H. Smith	1
Statement of Commissioner Steny B. Hoyer	3
Commissioner Benjamin L. Cardin	4
Congressman Jesse L. Jackson Jr.	4
Congressman Frank Mascara	5
Co-Chairman Alfonse M. D'Amato	9
Commissioner Matt Salmon	20

WITNESSES

Statement of Ambassador Robert Frowick, Head of the OSCE Mission to Bosnia-Herzegovina	5
Statement of William D. Montgomery, Special Advisor to the President and Secretary of State for Implementation of the Bosnian Peace Settlement	7



BOSNIA: SHOULD THE OSCE CERTIFY CONDITIONS EXIST FOR FREE AND FAIR ELECTIONS?

WEDNESDAY, JUNE 26, 1996

COMMISSION ON SECURITY AND COOPERATION IN EUROPE

Washington, DC

The Commission met, pursuant to adjournment, at 1:35 p.m., in room 311, Cannon House Office Building, Honorable Chris Smith [Chairman of the Commission] presiding.

Mr. SMITH. The meeting will come to order. Today the Helsinki Commission is focusing on what it considers one of the most important international events of this year, the elections in Bosnia-Herzegovina. The Commission has held several briefings on this topic already with election experts from the United States, with members of the Provisional Election Commission from Bosnia, with representatives of political parties from that country, and, most recently, with persons close to the situation in Banja Luka.

Now with the date for the elections set for September, we need to take a step back from the analysis and look at policy. Elections will be held, it appears, on September 14th despite the universal acknowledgment that the conditions for elections are not very good. In fact, human rights organizations and others following the situation in Bosnia have warned that conditions for a free and fair election simply do not exist; and yet the U.S. Government and some European governments have pressured the OSCE to certify nonetheless.

The Organization for Security and Cooperation in Europe has been tasked to certify that social conditions exist for effective elections and to help the elections take place. Yesterday, the OSCE Chairman-in-Office, Flavio Cotti, delivered his assessment of the situation before the OSCE Permanent Council, and the report was not good.

In fact, he summed up his assessment of progress on the "minimal prerequisite conditions," stating that in the opinion of the chairman in office, these prerequisites have, at the present point of time, and in spite of the small progress mentioned, not been fulfilled. In the end, noting the clear and unanimous support among the OSCE participating States and raising concern that elections may not be possible at a later date without the indispensable IFOR military presence on-site today, the Chair-in-Office concluded yesterday that there are no convincing alternatives on the holding of elections. This is hardly a ringing endorsement.

Mr. Cotti outlined the facts that significant problems remain regarding the freedom of movement and of association. A free media does not widely exist. Numerous complexities regarding the admin-

istration of the elections need to be worked out, but first and foremost, war criminals, clearly responsible for the early aggression and indicted by the International Tribunal for their crimes against humanity, continue to run brazenly free in Bosnia and to influence political developments.

His points parallel concerns that Co-Chair D'Amato, Ranking Member Hoyer, and I stated in a June 10th letter to Secretary of State Warren Christopher. As we had raised in that letter, we believed that the need to meet the deadlines should not override the requirement as outlined in the agreement that conditions exist for the organization of free and fair elections.

Otherwise, the stated principle of commitment by the United States to legitimate elections as the keystone of democracy would be disingenuous. Will the holding of the elections on September 14th be disingenuous? It's an open question.

In the next 2 to 3 months, however, what can the international community do to improve the situation? Can the improvements be made in time to give the political players in Bosnia and the population as a whole confidence in the integrity of the elections? Can a campaign be conducted which allows Bosnians to debate genuinely the future of their country? Will the election results correctly reflect the will of the people? Will the results be respected after the elections?

The Helsinki Commission is concerned about the OSCE's future as well. This is the largest task the OSCE has undertaken since becoming a full-fledged institution. Based on their own careers, both of our witnesses know well the importance of the OSCE as an effective tool for U.S. human rights diplomacy. This experience in Bosnia could demonstrate the importance and effectiveness of the OSCE in the post-cold war period.

Let's examine how this experience could impact the OSCE's credibility and the institution's reputation for basing decisions on principles, not *realpolitik*. Surely the OSCE will learn: how, in its unique way, better to contribute to security in Europe.

Our first witness is Ambassador Robert Frowick, head of the OSCE mission in Bosnia. Ambassador Frowick's career in the Foreign Service before retirement included many OSCE-related assignments, and we consider him a good friend. Ambassador, we are grateful that you are here today. We look forward to your reviews and appreciate the meeting we had earlier in which there was a very frank discussion on these issues.

I want you to know that while we have concerns about these elections, we fully appreciate the challenge of an effort like this and note the many achievements made so far this year. We fully understand that your current position in the OSCE is that of an international civil servant and you are responsible to the OSCE and not to the U.S. Government.

Our second witness is Ambassador William Montgomery, the Special Advisor to the President and Secretary of State for Implementation of the Bosnian Peace Settlement. The Ambassador is also a Foreign Service officer and well-known to the Commission for his assignments in Bulgaria, most recently as U.S. Ambassador to that country. Welcome, Ambassador, and we look forward to your testimony as well.

I'd like to, at this point, yield to my good friend and colleague, Mr. Hoyer, the ranking Democrat on the Commission.

Mr. HOYER. Thank you very much, Mr. Chairman. I agree with your statement and appreciate this opportunity to have a hearing in which we hear from Ambassador Frowick as well as Ambassador Montgomery. I have been on this Commission for over a decade now and for most of that time as one of the co-chairs. The Commission's mandate is to focus primarily on human rights and democratization as well as the other facets of the Helsinki Final Act.

This involves, of course, facing some pretty ugly realities in our world. This means trying to change rather than merely accept these realities. It means making some difficult decisions on how to do so. No reality we have faced on the Commission has been more horrible than that of Bosnia-Herzegovina since 1992. No reality has been more frustrating to change than that of Bosnia-Herzegovina. No reality has involved so many difficult judgments about what the most appropriate response should be.

Yet, just as we have witnessed in some respects firsthand the end of the cold war and the division of Europe, we are witnessing an effort to bring Bosnia-Herzegovina back from the brink of destruction at the hands of war criminals. In both cases, the OSCE or its predecessor, the CSCE, had an important and decisive role to play, especially in terms of forging important principles with foreign policy.

One principle that must be a part of our Bosnia policy regards the issue of war criminals. Let me quote from yesterday's statement by the Swiss Foreign Minister, Mr. Cotti, to the OSCE in Vienna. He said this: "If no actions are taken right now"—emphasize right now—"against the indicted war criminals"—two of whom are pictured at the front of this hearing room, branded by secretaries of state of both prior Republican administrations and the present Democratic administration as war criminals—"If no action is taken right now," Mr. Cotti said, "it can be taken for granted that the elections will very quickly give way to developments diametrically opposed to those which they are expected to yield.

"There exists the most serious danger that they then degenerate into a pseudo-democratic legitimization of extreme nationalistic power structure and ethnic cleansing. Instead of the peaceful evolution in keeping with the peace agreement, the elections would lead to further dramatic tensions. Under no conditions whatsoever should we permit such developments to ensue." So said the Swiss representative.

I agree with him. Having come this far, having spent so much time and money, as well as human lives, on trying to do the right thing and save Bosnia, we cannot deny the provision of justice and peace, stability, and democracy that only justice can ensure. Now, many of us who have traveled throughout Europe, Mr. Ambassador, as you have done extensively, have heard countless generations recall the wrongs done to generations centuries before which they felt were unredressed, and which they felt required them to respond, thereby continuing the cycle of violence over and over again.

If there is no justice in Bosnia, that cycle will inevitably continue. Apprehending war criminals is not, therefore, just a matter

of conscience. It is a matter of absolute necessity and reality. The elections cannot be a success with indicted persons continuing for long to roam freely, mocking the Dayton Accords, mocking the quest for democracy and justice, mocking the quest for freedom.

Victims of aggression and genocide must have the satisfaction, and the deterring example, of justice if reconciliation and reintegration is to be more than words written on paper. Those innocent of wrongdoing, but in whose names atrocities were committed, must be vindicated so that they can reintegrate themselves into a society that has been deeply divided and torn over the last 5 years and indeed, last 5 centuries.

I hope, Mr. Chairman, that in this hearing we can focus considerable attention on means for providing justice to Bosnia quickly, as elections are less than 3 months away. I hope, in another 10 years, we will be able to say that, through the OSCE, the world faced the horrible realities of Bosnia and acted to bring new realities of justice, democracy, freedom, and peace to that troubled region of the world. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Hoyer. Mr. Cardin, Commissioner Cardin.

Mr. CARDIN. I thank you, Mr. Chairman, Mr. Ambassador. It is a pleasure to have you before our committee. Let me just underscore the point that Mr. Hoyer has made, and reiterate that we look forward to your testimony regarding the peace agreement implementation in the former Yugoslavia. Obviously, free elections are an important part of carrying out that agreement, provided that they are actually free elections that yield democratically elected representatives.

As there is also concern that the multi-ethnic character of the country is maintained, I am very curious about your observations in this area. I do, though, want to underscore my concern about the war crimes and express disappointment that there has been neither much action nor cooperation among the parties.

I am very disappointed that Bosnian war crimes have not been given the highest of priorities. Retribution for these crimes is important, and not just for the effect of establishing democracies in the former Yugoslavia and restoring territorial integrity. It is important for the world to understand that the international community is committed to pursuing those who have committed war crimes and ensuring that all offenders are brought to justice.

Many of us will underscore this point at every opportunity that we have. Our commitment is to make sure that this nation pursues the commitments that were made with regard to people who have committed war crimes. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much, Mr. Cardin. Mr. Jackson.

Mr. JACKSON. I thank you, Mr. Chairman, and Ranking Member Hoyer for the opportunity to join the Commission members today as we receive testimony on this critical human rights issue. I want to thank Ambassador Montgomery, who should be here shortly, and Ambassador Frowick for their efforts on behalf of the United States and the international community.

I am concerned that the current conditions in Bosnia-Herzegovina may not allow for free and fair elections to be held this September as many of my colleagues on both sides of the aisle

are; and, although I am a strong supporter of the Dayton Agreement, I believe that upholding the principles of that agreement cannot, on its own, outweigh the need to protect the lives and democratic freedoms of the people of that region.

I look forward to hearing the testimony that will be presented here today and I hope that I can be of service to the Commission in its final determinations of the critical issue that is before us. Thank you, Mr. Chairman.

Mr. SMITH. Thank you very much. Mr. Mascara.

Mr. MASCARA. Thank you very much, Mr. Chairman, and thank you, Ranking Member Hoyer. Mr. Ambassador, thank you for coming. My interest results from my travel to Central Europe with a congressional delegation last December, which was a very sobering experience for me, and as the ranking member and the Chairman point out, there are some grave concerns about the war crimes and war criminals.

My interest, as a former county commissioner in Washington County, Pennsylvania, for 15 years, having served in that capacity as Chairman of the Election Board, am very familiar with elections, and having read some of the material last night where you have 49 different parties and a great many independent candidates, I have some questions and I don't know, Mr. Chairman, is this the time?

Mr. SMITH. No, after the testimony.

Mr. MASCARA. OK, after. I have some questions about the election process itself. So I'll reserve those questions for later and thank you for coming. Thank you, Mr. Chairman.

Mr. SMITH. Thank you. Ambassador Frowick, please proceed and thank you again for appearing today.

STATEMENT OF AMBASSADOR ROBERT FROWICK

Amb. FROWICK. Thank you very much. It's an honor to be here to talk with you about a subject as important as the elections in Bosnia-Herzegovina. As you know, the OSCE mission has three tasks under the peace agreement. First of all, to take the lead in supervising the preparation and conduct of elections, but also to take a significant profile on democratization and human rights questions, and to offer the aegis of OSCE for negotiations on confidence- and security-building measures and arms control measures that are meant to bring regional stabilization to the area.

I know that your greatest interest is in the elections part of our portfolio, so I would propose that we concentrate in that area. This mission of ours started from scratch last December. Four of us were in place on the 29th of December. At this point, we have over 400 officers and about 250 local hire people. We have created a head office in Sarajevo, six regional centers distributed evenly throughout the country, and 25 field offices to get ready. Most of that buildup was to get ready for the elections this summer.

We have also, within Sarajevo, built up a very substantial elections component which includes people who have had a rich depth of experience in elections in Cambodia, South Africa, and elsewhere around the world. We have had both administrative and substantive challenges facing us. I would just like to say briefly that

administratively, I think we have taken the right steps to position ourselves to be able to carry out the elections effectively.

On the substantive side, we are troubled by the conditions in the country. They are not what one would like to have for elections in 3 months time. Realistically, however, I think they may be somewhat better than the image that they have in the press in the United States, which has been dominated by attention to human rights violations of which there is no end basically. But there has been a bit of a start toward creating freer movement, freer association, freer expression, and there has been precious little attention to those developments.

For example, with regard to freedom of movement, if we compare the situation now to what it was last December, IFOR has come in and separated combat forces and their equipment, has built something, over 50 bridges, has removed 140 permanent checkpoints, has removed hundreds of other mobile checkpoints, and has counted recently fairly substantial numbers of crossings of the inter-entity boundary line from people visiting relatives nearby to engage in small commerce.

This is just a bit of a start. We don't have freedom of movement in that country, but there is something happening. Freedom of association. The OSCE mission has conceived of a number of initiatives to try to stimulate freedom of association largely through inter-ethnic roundtable discussions and creation of dialog, for example, among intellectuals, women, religious leaders; and we saw on the first day of the year and we've been trying to bring together in a spirit of reconciliation, veteran's groups and so on.

With respect to freedom of expression, the international community has concentrated on two initiatives in particular, the so-called open broadcast network television system, which by the time of the elections, aims at reaching 75 percent of the populace, and a Swiss-conceived and funded and developed mobile radio network called the Free Election Network, which is on track.

Up against these developments, we have daily reports around much of the country of egregious things that are happening that do violate the spirit of freedom of movement and so on. I think that there are a number of reasons why it is important to go forward with these elections. As you may know, it was my responsibility under the peace agreement to make the recommendation to Mr. Cotti as to whether he should proceed or not. I did that in Florence.

I indicated that something like 3 months back, we in the mission had gone to the peace agreement and looked at the specific criteria for holding the elections. They were the substantive conditions in article 1 of annex 3, namely creation of a politically neutral environment, freedom of movement, association and expression, and they included also in these criteria eight other items drawn from the 1990 Copenhagen document on the Conference of the Human Dimension. These latter criteria were administrative matters.

Before Florence, I determined that all of those were in hand effectively through the work of the provisional election commission mainly; and we did have this troublesome situation on the substantive conditions, but a start had been made. Then I thought, how much time do we have to prepare for these elections? It

seemed to me clear that IFOR was only going to give us a limited amount of time. We had already stretched it quite a lot.

Under the original terms of the military engagement, IFOR was going to start downsizing by now, in June, but OSCE and IFOR worked together to find a way for IFOR to remain in effectively maximum strength through the time of the elections, which at the outside under the peace agreement, are to be held by the 14th of September.

So I thought we had to capitalize on the stability that was present in the country as a result of the IFOR presence. Moreover, OSCE itself, as some of you have stressed, is engaged in an historically unprecedented activity. Never has OSCE activity even approached the scale of this one in Bosnia-Herzegovina.

It isn't realistic to expect OSCE to stay at the level of strength that it is maintaining with so much attention to elections beyond about September or so, although in my opinion, it will be vitally important, on both the military and the civil side, for substantial presence to remain in that country on into the indefinite future, and that is to say specifically with respect to whatever is the follow-on force beyond IFOR plus OSCE.

Another factor, finally, that led me to decide to recommend that we proceed with the elections was the fact that in talking across the spectrum of the political parties, not just the incumbent, but the opposition political parties as well and on all sides, there was a very strong appeal by them to proceed with the elections while concentrating on improving the conditions; and I profoundly share the emphasis that I heard here that, above all, the pivotal issue is doing something effectively to remove those indicted for war crimes who have refused to comply with orders to appear before the Tribunal in The Hague.

I believe that is the key issue at the moment. It must be resolved soon for us to have a reasonable prospect for satisfactory elections. With those remarks, I would perhaps now turn to questions and answers.

Mr. SMITH. Thanks. I invite Ambassador Montgomery to the microphone and please make your presentation at this point.

STATEMENT OF AMBASSADOR WILLIAM D. MONTGOMERY

Amb. MONTGOMERY. Thanks very much, Mr. Chairman. I do have just some brief remarks now, and my first point is to say that you've now heard from Ambassador Frowick. Ambassador Frowick and his very talented and capable staff have our full support and confidence; and I also take Congressman Hoyer's point about the importance of this mission to the OSCE, and for that reason alone, we will support it fully.

There are two types of challenges we face in this pre-election period, and in your letter of June 10th to the secretary, you really outline those issues well. On the administrative side, I won't go into details of Bob Frowick's work, but we have 1,200 international monitors or supervisors, 2,000 monitors, 4,000 polling places, maybe 25,000 Bosnians that have to be involved in this whole process.

That would be difficult, under any circumstances, but the fact is the infrastructure has been destroyed, there are very few commu-

nications. There are half the people who are refugees or displaced persons out of a 4 million population. So it's going to be incredibly challenging, but we have full confidence in Ambassador Frowick and the OSCE's ability to manage the elections.

We're going to do all we can to help and that means that we've provided or pledged \$11 million of the \$47 million necessary to run the elections. We're providing about \$4 million in additional in-kind support. We're providing TDY technical assistance and computers and other areas to the OSCE mission, and we're also providing manpower, both from the State Department and also through the civil affairs officers associated now with IFOR. So we're doing all that to see that everything that's possible is done to make this work administratively.

I'm not going to go over the substantive challenges any more. Bob has done so; you two gentlemen have done so in your comments. The letter to Secretary Christopher also points out the substantive challenges. I want to make one point and that is that this process, since Dayton, has been a messy one. It has not been neat; it has not been tidy.

The strategy that we have followed all along is to define deadlines, force the parties to comply with those deadlines, and when they don't, hammer them and hammer them again, doing so in international conferences, in trips to the region by our senior officials, the demarches by our embassy, meetings organized by Secretary Christopher with the three parties to push and push for compliance; and in the end, we have a very good record of getting it. That is exactly the approach we are going to follow with regard to the elections, which means that on all these issues of concern, and they are of real concern, we intend to push and push on the parties for improvement of the situation.

We've already started that. As you may know, Acting Assistant Secretary Kornblum is in the region now talking to Milosevic mainly about the need for Karadzic to depart the scene, but he's also going to be talking with the three presidents in Zagreb, in Belgrade, in Sarajevo about the need for further compliance on all these issues of concern for us in the pre-election period. Secretary Christopher in Geneva recently also obtained agreement from all three presidents for improvements on these issues, and we are now in the process of forcing compliance, forcing the parties to live up to their words.

Finally, and in short, why we support the OSCE decision to allow the elections to go forward on September 14th. First, and we really need to focus on this, the status quo is unacceptable. There are now no national institutions that are there. There is no constitution in effect. There's no Bosnia-wide presidency as envisioned by Dayton. In effect, there are absolutely no opportunities when people from the two entities normally would get together and even talk, other than when we corral them in international meetings or some international organization does so. This situation suits the separatists very well, and the longer it goes on, the more the separatists will reinforce their positions of two separate entities that aren't cooperating, aren't working together.

Secondly, look at who supports going ahead with the election process. I was in Florence. There were over 50 countries rep-

resented. Every one of those countries supported going ahead with the elections as Ambassador Frowick recommended. In the OSCE meeting that was held in Vienna shortly thereafter, all the member countries supported that in the region.

The fact is that there are now 49 parties who have signed up for this election process and 33 independent candidates. Virtually all the opposition parties want the elections to go forward. Mr. Cotti made this point in his decision to proceed with the elections. We have a USIA poll that I cited the last time I testified before the HIRC that, in fact, the overwhelming majority of the Bosnian people from all the ethnic groups think the elections are important and intend to vote in them.

Moreover, there are indications from this poll that, both in the Federation and the Republika Srpska, it's very much unknown what's going to happen in this election. It's not correct to assume that it's just going to put back in power the folks who have been there since this war started, not correct at all. It's definitely going to remove indicted criminals such as Karadzic from office. We hope he's out before then. We're going to do all that we can to make that happen, to make it a reality; but the elections will see that it happens.

Also, we've got to keep in mind that if the elections take place, and they will on September 14th, IFOR will be at full strength. They have said that they are not going to diminish their strength until after the elections. Those forces are a wonderful insurance policy for the security of the election period.

Last, as I said, we view it as a forcing event to lead to democratic change in Bosnia. If it doesn't take place then, there will not be as much democratic change as there would be otherwise. So that's my concluding remarks.

Mr. SMITH. Mr. Ambassador, thank you very much for your statement and again, your full statement will be made a part of the record. I'd like to recognize the Co-Chairman of the Helsinki Commission, Senator D'Amato.

Sen. D'AMATO. Well, Mr. Chairman, thank you very much and let me thank you and commend you for calling these hearings. I certainly appreciate the difficult position that Ambassadors Montgomery and Frowick are in.

I have here the *OMRI Daily Digest* that just came out today. I'm wondering, Mr. Ambassador, if you have had an opportunity to look at it, if anybody has briefed you with respect to what the recent polling data garnered from 10 towns in the Republika Srpska by *Estrick Magazine*. They've got Karadzic's Serbian Democratic Party way ahead in voter preference; a plurality of 40.5 percent of the decided voters would reportedly cast their ballots for the SDS in the upcoming elections, where only 17 percent would back Milosevic's Socialists, and third place is another party getting 11 percent.

The Dayton Accords have not been carried out. War criminals are still at the helm, yet notwithstanding the provision that we put in, they are there. The decision to go forward is likely to lead to the election of people who are going to pursue policies that will bring about partition and ethnic cleansing.

Now, I have to question whether the elections could be free and fair given the conditions that exist in Bosnia today, and I think

that's a realistic question. It's only the overwhelming concentration of power that keeps there from being outward hostilities. Absent that, we would have hostilities. Wouldn't you agree? If we withdrew our troops, do you have any question or any doubt that there would be hostilities?

Amb. MONTGOMERY. Senator, if I can respond, you've raised a lot of questions here.

Sen. D'AMATO. Well, let me just—let's cut to the chase. If we withdrew the troops, would there be hostilities?

Amb. MONTGOMERY. We've got a 1-year IFOR mission that is up in December. This is a very critical period for that mission and for civilian implementation. Our success now in the next 3 or 4 months will determine, in large part, the answer to your question. There's no chance that IFOR will withdraw now. We're talking about the end of the year, and we view the election process as a major step forward.

Sen. D'AMATO. Let's talk about the conditions for democratic elections. I'm looking at this now. It comes from people who study this and—this is literal now—they say, "The parties shall ensure that conditions exist for the organization of free and fair elections, in particular, a politically neutral environment."

Mr. Ambassador, that doesn't exist. Let me continue. "Shall protect and enforce the right to vote in secret without fear of intimidation." Mr. Ambassador, refugees have not been repatriated. There is no assurance and it doesn't look like there ever will be that that's going to take place. Let me continue, and we're not talking about a period of time off in the distance. We're talking about a period of time, July and August, 2½ months, and you think you're going to have a repatriation of these refugees so that they can vote?

It continues. "Shall allow and encourage freedom of association, including political parties, and shall ensure freedom of movement." Another provision requires that the parties surrender indicted war criminals to the International Criminal Tribunal. Now, I think everyone knows that just simply has not happened, and two of the most notorious Bosnian-Serb leaders continue to exercise power, one the president and the other Mladic, General Mladic.

So I have to say I understand what the OSCE Permanent Council decided in allowing the elections to continue, and that's why I want to commend the chairman for calling these hearings. If we talk about sham elections held under conditions that certainly do not meet the expectations of what we're talking about, then eventually, it seems to me, it's going to lead to the legitimizing of some very negative effects; and this is going to result in continued ethnic cleansing, and these parties are going to be at each other.

So, you know, we can play this out and say that the emperor has a fine suit, when indeed, I think it's rather apparent to those who are following this that there is no suit. We say it, but that doesn't make it so. So I'm very much concerned, and I share the sentiment with my colleagues.

I don't have the answers, I'm not suggesting to you, but I do think that it is not in our interests or in the interests of peace to say that things are proceeding as outlined in the Dayton Accord. If various parties have not met those responsibilities, we should set

that forth very clearly. Indicted war criminals are the easiest thing for us to understand, so I go back to that. They are there. They are in power. They are in control.

It makes little sense to allow them to manipulate the process and put their stooges in, and you have that general who still has this huge power who may not hold an official office but is still calling the shots. That's what I think some people are concerned about. So I just make that comment, Mr. Chairman, and I thank all my colleagues for being so gracious and generous in giving me the opportunity to make these observations.

Mr. SMITH. Thank you very much, Mr. D'Amato. Let me begin the questioning, and I know members have numerous questions. I'm sure you have seen the statement put out by the International Helsinki Federation for Human Rights and many of us, Mr. Hoyer and I and Mr. D'Amato, over the years have worked very closely with those organizations and their respective parts.

We, in the 1980's, met with members of the Helsinki group in Czechoslovakia, and we were greatly moved by their courage in standing up to the repression in that country. So they have a great deal of credibility when they speak, and they have spoken on this issue rather strongly. Let me also preface this question.

I understand fully the sense of exuberance that we see by some of the opposition parties that somehow they feel they have a fighting chance. That's not unlike what we saw happening in Romania after the fall of Ceaucescu when the opposition parties thought, let's have elections tomorrow because we're going to do great. They all got blown out of the water, and Iliescu and Roman won decisively in those elections because they were organized and they knew what they were doing. I'm afraid we may be seeing *deja vu* happening here where the "bad guys," and in the case of some of these people, the actual warmongers, may find themselves receiving a mandate from the electorate that they certainly don't deserve.

Well, the International Helsinki Federation wrote in a Vienna statement put out on May 23rd of this year, "Virtually none of the conditions for holding free, fair, and democratic elections in Bosnia and Herzegovina are being met, as required by the Dayton Agreement." They also pointed out, and I would appreciate your response to that, especially in light of the postponing of the elections in Mostar which were supposedly going to occur in May.

I understand the reason for deadlines. We operate on deadlines for appropriations and bills and the like. Sometimes we meet them, sometimes we don't, but having the gun to your head certainly makes you move a little faster. So I understand the importance of having dates certain at which something should occur. But Mostar is an indication that when those conditions weren't there, this was flexible in terms of date.

They also point out, and Ambassador Frowick, if you could respond to this, "We are also concerned that the OSCE is under intense political pressure to certify that conditions for holding elections exist despite abundant evidence to the contrary." If you could perhaps speak to the issue of pressure, whether or not you are indeed under pressure or if this is missing the mark. Ambassador Montgomery, if you could begin?

Amb. MONTGOMERY. Well, first of all, Senator D'Amato, to get to your point, I think it's important to remember that the status quo is unacceptable. I take your point there are a lot of problems out there. I hope you don't think that we're trying to mask them or cover them up. We recognize the problem. But again, right now, we do not have any national institutions that are functioning. The Serbs, the Republika Srpska, are not talking to anybody in the Federation. There's no assembly, there's no rotating presidency.

The people who started, who were in power when this war began, are still in power now and so, to continue that as an option, I think, is also very unwelcome. So that's one of the reasons why, again, we think it's important to go ahead. I'll let Ambassador Frowick talk about pressure.

Amb. FROWICK. Well, there is a certain pressure on that position as the head of the OSCE mission, trying to do what's right, representing the interests of the 54 countries and looking at what's happened to those poor people in Bosnia-Herzegovina in particular. Going into the Geneva Summit meeting of the 2nd of June, it was my desire that more time be given to all concerned to try to get it right or get it better, at least, on the conditions.

I must say personally that I have felt the best we could do would be to try to deepen the democratization process from early in the year right through the elections process so that we have freer movement, freer association, freer expression. But I really have not felt that we could possibly equate to what those of us in this room would ordinarily think of as the full realization of all of those criteria.

It's the art of the possible, it's doing the best we can, and there has been a start, as I said in my initial remarks. There's been a start on these, a small start. When I went to that Geneva meeting, however, I realized that all the members of the contact group—and not just the United States incidentally—all the members of the contact group had been developing a momentum to proceed, to stay with the deadlines that Ambassador Montgomery has mentioned.

Not only they, but also President Izetbegovic, President Milosevic, President Tudjman all subscribed to the approach which was, instead of taking more time to improve the conditions, to use the momentum to improve the conditions. That remained the approach through the Florence meeting, and that is what is now underway.

I do think there's something to be said for the fact that it's important to meet the deadlines and to keep on track because the situation that prevailed in the former Yugoslavia from the outbreak of war in June of '91 until the negotiations succeeded in Dayton in November '95, was that whole period was plagued by people not keeping to it, not enforcing agreements on time.

I can only share, as I say, most deeply the concerns that all of you have for the situation, which isn't right in that country. But it seems to me the proper approach is to stay on track and do the best we can to get it right; and above all, as I said earlier, the compelling issue is to remove Mr. Karadzic from power as fast as possible because I think when that happens, we will find that it will be possible to have at least some measured increase in the realization of the conditions that we all seek.

Mr. SMITH. Ambassador Montgomery, you had said that Mr. Kornblum is meeting with Milosevic to "remove Karadzic from the scene." What exactly does that mean and does that mean getting him to The Hague or perhaps ensuring that he's not a candidate?

Amb. MONTGOMERY. Our ultimate objective for all indicted war criminals is to see that all of them are in The Hague under the jurisdiction of the War Crimes Tribunal where they can be tried. That's our ultimate objective. What Ambassador Kornblum will be saying to Milosevic is that Karadzic, in particular, is a major impediment to the whole Dayton process; his continuation in office and in power is unacceptable, and that something has to happen in this regard.

Now, as you know, both Carl Bildt, the High Representative, and Admiral Smith have the capability to look at the situation and decide that the Serbs are in flagrant violation, non-compliance with the Dayton Accord and they can reimpose the sanctions that have been suspended. That will be their decision. But certainly, this will be a topic of conversation in the upcoming Lyon meeting, and we will make it clear to Milosevic that we do need to see action.

Mr. SMITH. According to some reports that I've seen, among Bosnian refugees and the displaced who constitute nearly half of the prospective electorate, the majority of those outside of Bosnia do not plan to participate in the election. Can you tell us why this is the case and what are the implications for the future of Bosnia because of this? Very importantly, has the Dayton provision which links participation in the elections to repatriation of refugees having an adverse impact, in other words, a law of unintended consequences?

Amb. MONTGOMERY. There is, I think, a lot of factors involved and one factor that we have to recognize is that the Dayton provision that says that voting is an indication of an intent to return may be viewed by refugees as something they don't want to do because it may impact on their status in whichever country they're in.

So, we've done our best to ensure that around the world, there is an effort to educate the refugees on how they can vote and what the process will be and to reinforce the fact that this will have no implications for their ability to stay in whichever refuge that they are currently in.

This program got off to a slow start, I have to tell you. Ambassador Frowick can probably give you more of the details, but it is our understanding that now it is on track. The International Organization for Migration, I believe, is now involved in an effort to regularize this whole program in the countries where there are refugees.

Just to get back to one of Senator D'Amato's points on refugees, according to the Provisional Election Commission, the refugees and displaced persons have a number of ways in which they can vote. One is they can return, if they wish, to their home of record. They can also return to the place where they intend to live in Bosnia and vote in person. But they can also vote by absentee ballot, and their vote will be counted where they used to live before the war started. So they do not have to be physically present in order to vote.

Ambassador Frowick, do you want to talk about the refugees and the voting?

Amb. FROWICK. I would say, of course, that from the standpoint of the Provisional Election Commission and the rules and regulations we adopted, all we could do was preserve the right of the refugees, in principle, to vote by absentee ballot back in the municipalities from whence they came, or return to the country and attempt to go back to those municipalities to vote, or finally, to decide to live somewhere else in the country, perhaps where others of a similar ethnic background lived and live and vote there.

In all directions, they remain enfranchised to vote in principle. All OSCE could do was preserve those rights and pledged to do what it could to help those that may want to try to go back to where they came from, but that's a huge problem.

With regard to the refugee program in general, as a result of some meetings in early June, that program has been brought under much more effective control than it was, as Ambassador Montgomery had indicated. The senior advisor to the Swiss Foreign Minister, Mr. Cotti, namely General Arvans, called a meeting. He used to be the head of the refugee program for Switzerland, and he knew what he was talking about.

He created a new approach for the program with a steering board he brought into active participation by the International Organization for Migration as well as U.N. High Commissioner for Refugees people. In the meantime, that steering board has begun to take hold and is locating itself in Vienna. Mr. Arvans also created a trust fund to finance this.

We have had teams of experts from OSCE, UNHCR, and IOM go to Bonn, Brussels, Stockholm, Geneva, Vienna, Zagreb, and Belgrade to the places where most of the refugees are; and in the case, for example, of Stockholm, those government officials dealing with refugees from all over Scandinavia came to that gathering. The objective is going to be to create coordination centers in the countries where the refugees are clustered and those coordination centers will be the nexus of operations to help them register and vote.

The statistics that I've heard from the senator and others are sobering and, I'm afraid, realistically accurate. UNHCR is in charge of refugees, and it does not expect a huge return of refugees in time for these elections. The situation is complex in the extreme. As a matter of fact, I have sometimes called these the most complex elections in all of history and I think they are.

But from the standpoint of administrative programs, we are organized, I think, to do the best we can under the circumstances.

Mr. SMITH. Thank you. I have a number of additional questions, but I know your time, especially Ambassador Frowick, is limited so I'd like to yield to Mr. D'Amato.

Sen. D'AMATO. Well, Mr. Chairman, I want to thank you for your generosity in yielding to me. I think I've made my point and I am very much concerned that what we're doing is papering over a very serious situation that will reemerge. It's kind of like the patient who goes to the doctor and the doctor prescribes medication and the patient only takes the first series of medications one or 2 days as opposed to a week or 10 days. Thereafter, the illness comes back, and the malady is more voracious, more virulent than before.

I just have to tell you that's what I'm concerned with. I don't believe that we're going to send troops in, nor should we, to take out war criminals. I do not believe that we're going to take the kind of steps that will force Milosevic to surrender or to seek the ouster of some of the criminals, the war criminals that are there; and I think that probably, if we're going to look at the real world, it is more likely that while you have a new president who may be elected in name, it's the same group of thugs and killers who will be the real power source.

So to my mind, going forth with an election at this point in time, given what exists, sends the wrong signal. You're going to be leading these people to believe that after this election is held and the same thugs are going to be in power, they can just continue business as usual.

It is a very difficult situation, and I'm not going to second-guess you except to say that I'm concerned that we will be literally validating the results of ethnic cleansing by holding that election. We will be saying yes, you've earned the Good Housekeeping seal of approval. I think we understand the problems, but that will certainly be the propaganda tool that will be used by the same cutthroats who will maintain the same kind of power, if not in name, in actuality.

So that's what I'm concerned about, Mr. Chairman. If you can help us suggest how we could do better, I guess that's what I'm asking. I don't know. I guess if you could, you would be doing that, you'd be implementing a different program; and I thank my colleagues and I thank the chair.

Mr. SMITH. Thank you, Mr. Chairman. Mr. Hoyer.

Mr. HOYER. Thank you very much. I'm sure that Senator D'Amato expresses the frustration and the apprehension that all of us feel and that obviously you are contending with on a day-to-day basis. Let me make an observation, however. We've been somewhat dour about the prospects.

But as one who from the beginning of this confrontation was consistently in favor of a much more activist posture by the West, not just by the United States, but by the West; as one who was critical of our English and French allies and friends in western Europe for not acting more decisively to bring to closure the carnage that was occurring, the genocide that was occurring, the creation of refugees and ethnic cleansing that was occurring, I think we can be at least very pleased and, frankly, from my perspective, proud of the courage that President Clinton had in saying that it was time to bring the killing and carnage to an end.

The situation that confronts us is indeed very complicated—Ambassador Frowick says the most complicated election in history. I don't have enough information in my head to make that analysis, but it may well be. The fact of the matter is that, since the Dayton Accords, we have seen a cessation of the horrific situation that existed prior to the onset of the negotiations. That is the good news.

Now, we are struggling in a very complicated environment toward democracy, a process that took centuries to accomplish for many. Some have not accomplished it to this day. Do we have a consensus that the extrication of Karadzic and Mladic is a necessary prerequisite to the holding of elections? I'm somewhat con-

flicted on this issue because I believe there should be another picture up there and that's the man with whom we're dealing to try to solve this problem. It makes it very complicated because Milosevic's picture ought to be up there.

I believe he's a war criminal. I believe he was principally responsible for the carnage that occurred. I believe he ought to be tried, convicted, and incarcerated at the very least. That is not a very practical position, I understand, to take when you're trying to work with somebody to try to extricate the two others. On the other hand, the complication is that Milosevic has some concern that if Karadzic and Mladic are tried, they will clearly implicate him. So how to deal with the situation is incredibly complicated.

I would like to ask both of you the following questions, but particularly Ambassador Frowick, who is clearly one of the world's experts on the OSCE and the CSCE process: Do we have a consensus among the OSCE signatory states that these indicted war criminals must be extricated, and that we should apply pressure through sanctions or other means in order to accomplish this? Do we have a consensus in terms of what the role of IFOR or a follow-on to IFOR can and ought to be?

Amb. FROWICK. With regard to OSCE, there is a clear consensus that we should proceed with the elections, that we should try to improve on the conditions, and that the highest priority at the moment is to do something about the matter of Mr. Karadzic in particular. I think there is not a consensus on how to deal with Karadzic.

There are some amongst our key allies who more or less acquiesce in the Milosevic view which is that you marginalize Mr. Karadzic through the electoral process. This is a big problem within the North Atlantic Council, for example. I think there is. My own reading of the way people were speaking in Florence, some were emphasizing these elections need to go forward, they are essential, they are the heart of the peace process to create a structure of government, and that they shouldn't be stopped because of Karadzic.

There are some who are saying that amongst our allies. So we have a problem on that score. My own view is that Karadzic needs to go and as soon as possible, one way or the other. He has to be removed from power and in connection with that, incidentally, there is an idea in play at the moment that he might leave his position as president, so-called, of Republika Srpska, but remain as the head of his party. I think we should strongly reject that.

This is something being debated in Sarajevo and I think that is absolutely not acceptable. We have to join the issue now. This is the time. Going into the electoral process this summer with IFOR as strong as it is as a base of strength from which to try to find a way to solve the problem. I mean, in days, that should be settled.

Amb. MONTGOMERY. If I can respond as well, first of all, you really struck a chord, Congressman, when you talked about the situation over the past 4 years or so. I was involved in the State Department when this all started. I left in 1993 and returned—

Mr. HOYER. Mr. Ambassador, before—if I might, Mr. Chairman? Mr. Ambassador, as someone who has worked with you over many years within the Helsinki Process, let me thank you for all you've

done, and I for one am more confident of our success because of your presence there, and I want to thank you for being with us.

Mr. SMITH. Mr. Ambassador, I, too, want to thank you for all you have done in the past, and for your fine presentation today. Please take back what I think is the strong sense of this Commission's agreement that Karadzic should be removed from his office. In addition, he should be out of power. Holding the rank of head of his party certainly keeps him at the pinnacle of power, it would seem to me.

So let there be no mistake about it. We are in total solidarity with that message being sent. We want him gone.

Amb. MONTGOMERY. I just want to second what you said about being proud of the fact that the United States has taken the lead, the initiative to bring this war to a conclusion. It was painful for me sitting out in Bulgaria seeing the damage that was being done to NATO, the United Nations, and our other international institutions by the failure to respond well to that crisis. I'm very proud of what we've done.

When you look at Sarajevo today, for those of you who were there during the war, it's a different city in a lot of ways; and I don't want to mask the problems because there still are problems in Sarajevo. There are problems associated with the Serbs who felt that they had to leave Sarajevo even though they may have lived there for all their lives, who if they didn't leave are now still being harassed.

But there now is a sense of normalcy coming back to that city that wasn't there even a few months ago. The economic reconstruction effort is getting geared up, and we're going to see some major successes there in the next few months. It hasn't happened yet, but it is happening. There are good things happening, such as the containment of weapons.

The arms control agreement that was reached in Florence is a major step forward because it's going to result in major reductions in weapons, not only in Bosnia, but also in Croatia and Serbia in the next 6 months. It's going to happen and it's going to be very dramatic. So there have been a lot of good things that happened.

I think we all need to realize that the situation in Bosnia has been so traumatized that it's going to take years, maybe a generation, maybe generations, to go back to normalcy, if you will. It will be a long-term process. A lot of our civilian implementation programs are looking at 3 or 4 years, for example, for economic reconstruction, to work.

Refugees—we've pointed out the problem. It's a major problem. Almost no refugees have returned to areas where they are in an ethnic minority, and the longer they stay away, the longer they're in Western Europe, the greater the chances that they will never return. It's a major problem and will take a long time to solve.

One of the problems with Dayton is that it has these short deadlines and the language is such that all the problems would be solved in 1 year and that's just not realistic. It's going to take much longer.

On Karadzic and Mladic, I would draw a difference in terms of their impact on the day-to-day Dayton process, not at all in terms of the need to have both of them end up in The Hague as soon as

possible. But on a day-to-day basis, there is a radical difference in that Mladic in the military has kept a very low profile. Other than going skiing every once in a while to show that he can, he's kept a low profile and the Bosnian-Serb military has cooperated with IFOR in every way. The recent arms control agreement is an example of that.

Karadzic, on the other hand, has directly challenged Dayton, has directly challenged the successful implementation of the accords in a number of ways. I'll give you one example to show the extremes to which he's gone. IFOR, General Nash, does civilian implementation projects as well as part of their overall mission in a low-key way, and they wanted to improve a road within the Republika Srpska, a road that they use, but which also was of benefit to civilians who would use the road as well.

They gave a contract to a Bosnian-Serb contractor to make these repairs. Pale, under Karadzic's direction, decreed no, the contractor had to stop. This was a project that was totally in the interests of the Republika Srpska. The fact that he prevented anyone from Republika Srpska to attend the April donor's conference is another example. The fact that he prohibits mayors from meeting with IFOR representatives and Western representatives is another one.

So he's a clear impediment to the Dayton process, and that's why a lot of the attention of the international community and our attention is focused on him as opposed to both of them. So that is why again Acting Assistant Secretary Kornblum is in the region now. It will be a major subject of conversation in Lyon. Milosevic and others know how serious we are about this.

Mr. HOYER. This is not a question, but an observation in closing because we have some experience with this. When Secretary Christopher visited Belgrade, he did not meet with human rights groups, to the extent that they exist, or alternative political groups within Belgrade. I understand that. It was very complicated. We're trying to work things out. Milosevic has become an important cog in working that out.

On the other hand, I am a big fan of former Secretary Schulz, with whom we worked very closely and who felt in his gut about human rights. He did, in fact, meet with many groups in Moscow and in other then-Warsaw Pact nations that he visited. One of the things I think we ought to encourage in all regions of Bosnia is Helsinki citizen-type groups to observe and to inform.

One of the things that we have found out, one of the services this Commission performs in all the Helsinki process, is bringing to light atrocities. The more you have to violate human rights in the open, the more constrictures will come from the international community. If it can be done anonymously, it is relatively easy to do.

So I would hope that the West—Helsinki, OSCE, the United States in particular—would encourage the development of these types of groups. One way to encourage, of course, is to give them recognition from official representatives. I don't criticize the Secretary for this particular visit because I understand the problems involved; however, I would urge our government not to be too cognizant of the problems in the short term, when the long-term price is not giving the status to these groups that they need to make a significant contribution. Thank you, Mr. Chairman.

Amb. MONTGOMERY. Can I respond to that? I am sure that if the Secretary didn't meet with human rights groups, there was probably a question of the amount of time he had rather than any other issue. But I agree with you totally. I can tell you that, for example, Assistant Secretary Kornblum, now in Croatia, is going to be meeting with a round table of journalists, both from the state media, but also the independent media for exactly that reason, that we recognize the need to do this.

Another observation. It is uncanny how all the parties in the region follow almost identical policies with regard to the press and the media in terms of wanting to keep all the television stations totally under government control, having very limited independent media activities, etc. They all do it and it's clear that they have learned from the same master or whatever, but it's a problem we're facing everywhere in the region.

Mr. SMITH. Commissioner Cardin?

Mr. CARDIN. Thank you, Mr. Chairman. Ambassador Montgomery, I understand the conditions for democratic elections is outlined within the Dayton Agreement, as is the need to improve the free movement of people, the personal associations in minority parties.

But I want to come back to the war crimes, and focus upon the individuals who have not yet been indicted. Conducting an election with no further progress being made regarding the arrest of war criminals, individuals who have a direct interest in this election, is of great concern. Are we making sure that those that are brought into power will pursue the enforcement of war crimes?

There needs to be more progress made toward resolving the war crimes in order to acquire the integrity of the election process. We have all said that. Yet, do we have a game plan which will increase the necessary cooperation among the parties?

I know there have been some suggestions made to impose certain sanctions against different responsible parties. Will we be aggressive in providing the leadership to assure that more progress is made in this area before we are committed to a time schedule on the elections?

Amb. MONTGOMERY. Let me dispel the notion that we have not been aggressive until now. I can tell you that, in every meeting that we have with Milosevic and with Tudjman, this issue comes up; and we have made it very clear to Milosevic, and we continue to make it clear to our allies as well, that a full relaxation of what we call the outer wall sanctions on Serbia will not be lifted until Serbia—this is the former republic of Yugoslavia—complies with and cooperates with the War Crimes Tribunal.

We raised this time and time again. We also raised it with Tudjman. We've had limited success with Tudjman in that we do now have one Croatian who has been turned over to the War Crimes Tribunal. His name is Blaskic. We're pressing for others, but I don't want you to go away from here with the understanding that we have not pressed this issue. We've pressed it very hard with both these countries and we will continue to do so.

Mr. CARDIN. Of course, some of us are concerned that more persons ought to be indicted than have been to date. In fact, you are reviewing that work now. Can we be assured that the process of

identifying such individuals is moving forward, and that any actions to get cooperation among the parties is being pursued?

Amb. MONTGOMERY. Yes. This gets a little into the War Crimes Tribunal and their practices which I am not a total expert on, only to say that it's mystifying to me that a criminal like Arkan that almost everybody who is involved in this knows very well is one of the most notorious war criminals in all of the former Yugoslavia has not yet been indicted.

So they're deliberating in their own style. We are trying to cooperate with the War Crimes Tribunal by offering them assistance in terms of personnel and finances, including the American Bar Association's CEELI effort to go over first to The Hague and then to Sarajevo to encourage the parties to submit information on individuals they consider are war criminals.

This is part of the effort that was started in February when the Bosnian Government seized two Bosnian-Serb army officers in Sarajevo and accused them of being war criminals, and we set up a practice there called the rules of the road, which put a policy in place that any of these entities that felt they knew individuals who were war criminals should submit information to the War Crimes Tribunal who would either say yes or no, to avoid situations where people would be grabbed and then accused of being war criminals, that there be advance notification.

So this process with ABA, CEELI, and the War Crimes Tribunal is designed to try to get the parties to provide this information and the War Crimes Tribunal to process it.

Mr. CARDIN. Assuming the pre-elections go forward, the War Crimes Tribunal has much work ahead of itself. Is it clear that there is a commitment to pursue war criminals by the newly elected leaders? This must occur.

Amb. MONTGOMERY. Absolutely, totally.

Mr. CARDIN. Thank you, Mr. Chairman.

Mr. SALMON. [Off-microphone comments]—could more easily lead to his indictment for genocide. Does the United States view him, like most other analysts of this situation, as the one person most responsible for the conflict in the former Yugoslavia since he's maintained a power primarily by repression and instigation of conflict?

Does the United States view his continued presence as the leader of Serbia to be a detriment not only to the democratic development in Serbia, but to long-term stability in Bosnia and throughout the region? Can Milosevic supporters among the Bosnian-Serbs be trusted any more than the Karadzic supporters? Some analysts question the extent to which the two factions really exist. What are your views?

Amb. MONTGOMERY. First of all, I don't know who would be No. 1 on my list for having caused the war in the former Yugoslavia. There are a lot of people who would be on the list, including a lot of people who maybe through inaction in the West didn't do enough to prevent it. But certainly, the parties are primarily responsible. I don't want to characterize one as being more responsible than another.

We have presented our concerns to President Milosevic in a number of areas where we have them with regard to human rights,

with regard to the Kosovo situation and will continue to do so. We will address his situation according to what we think are objective standards for behavior as we do anywhere around the world. He has played an instrumental role in bringing about the Dayton process, but that also means that he has a very high obligation to fulfill the commitments made under the Dayton Accords. We're going to hold him to those accords, and we're going to hold the former Republic of Yugoslavia to those accords.

One of the primary means, as I mentioned before, is the outer wall of sanctions; and we will not permit the former Yugoslavia to have access to international financial institutions, to rejoin organizations such as the U.N. or the OSCE until they comply with the War Crimes Tribunal requests, until they come to terms with their neighbors, until they come to terms with Kosovo.

Mr. SALMON. Speaking of roads, has any concrete step been made to construct a road linking the safe haven of Gorazde with the Federation called for by Dayton? The only existing roads to Gorazde pass through Bosnia-Serb territory where there have been numerous and increasing incidents against non-Serbs using the roads.

Amb. MONTGOMERY. As we speak, IFOR is constructing what we call a construction road entirely in Federation territory from Sarajevo to Gorazde. It will be essentially a pattern of roads that already existed that will be widened and improved with a couple—at least one—new section of 2½ kilometers to make it a total road.

That will be done by the time that winter comes this year. As I say, it's well underway now. The next phase of that will be next year when a full road is done, that is the two-lane paved highway promised by the Dayton Accords, and that will be up to the Bosnian Government and the international community to construct. We will give full support for it.

Mr. SALMON. Just one last question for me and I don't see anybody else that wants to ask any questions right now. I know that the initial plan called for the ground troops to be there for a year and that they would begin exiting or complete—I'm a little unclear on when the process begins and when we will complete the evacuation of troops return back to the United States.

Is it your full belief that if the election is held in September, and I would assume that we would begin removing troops in December or maybe even in November since that would be about a year since we began sending troops there, that Bosnia will stand as a free and democratic society and that the factions that have been warring for so long will be able to exist in somewhat a harmonious fashion?

Amb. MONTGOMERY. First of all, our policy, as enunciated by Secretary Perry, is that IFOR will stay at full strength through the elections; and in the period following the elections, according to the timetable determined by the military commanders on the ground, a staged withdrawal will begin. The IFOR mission will stay at full strength—not at full strength but rather at a mission-capable strength—throughout the life of its 1-year mandate.

So the full withdrawal will not be completed at the end of that year because when the year is over, it still will have a mission capability. But it will be completed in the weeks after that. What will follow IFOR, it's too early to say, it's premature.

Mr. SALMON. Thank you very much, sir. Mr. Cardin, you had another question and we'll get to that.

Mr. CARDIN. Well, there are many indicted war criminals that have not yet been turned over. I wonder whether we could get a status on each of the individual cases. Obviously, we are already well aware of the most notorious cases. However, there are others that we are just as interested in, quite frankly. Some of the indicted war criminals have a much more prominent significance to the indictment process, but each case is important.

Thus, I wonder whether it would be possible to get information to the Commission regarding the status on each person who has been indicted, as well as why they have not yet been turned over to the Tribunal.

Amb. MONTGOMERY. Yes, it is. We can get you a list of all the indicted war criminals and their current locations and status, and we can get that to you tomorrow.

Mr. CARDIN. Is there a strategy within the U.S. delegation, formed to look at each of these individual cases and to try to encourage the parties to participate in turning over those indicted?

Amb. MONTGOMERY. I would say that it depends upon where they are located. Let's use the case of Blaskic, who was a Croatian indicted as a war criminal. Because he lived in Croatia, we pushed on Tudjman and pushed and pushed, and he did turn over Blaskic a few months ago. The strategy depends very much on where they're located.

The primary areas are Republika Srpska and the former Republic of Yugoslavia. Those are the primary areas. To their credit, the Bosnian-Muslims have arrested two of their own Muslims who were indicted by the War Crimes Tribunal and turned them over to the Tribunal. That's the sort of behavior we're trying to encourage by the other parties.

Mr. CARDIN. Mr. Ambassador, I want to clarify that I appreciate the leadership that you show in this area. The United States has been the leader, making sure that this issue is maintained as a high priority. So I hope that you do not interpret my questions as anything more than an honest inquiry. I appreciate the leadership that both yourself and our country have displayed on the war crimes issues.

Some cases do not have the same degree of importance in the other participating countries. The United States' leadership has played an instrumental role in making sure that satisfactory results are achieved. So thank you in that matter.

We are going to stand in a very short recess. Congressman Smith and other members will be returning. There is a vote that is currently pending on the House floor, so we'll be in a recess pending those votes.

[Recess]

Mr. SMITH. I'd like to resume the hearing and ask a question. A few days ago, Admiral Smith indicated that his forces were prepared to arrest Karadzic if given the orders to do so by civilian political leaders. I'm sure you saw the article in the *New York Times*. He said that he knew that there were risks involved in going after the two men, but was willing—and Mladic—he was willing to take

them if he was ordered to do so because obviously that's what we're paid to do.

What is the status of the thinking of the White House with regards to this situation? Again, because all of us, and I think the testimony today is very compelling, that without a resolution of these war criminals, demotion to head of party certainly doesn't cut it. The situation is destined to be exacerbated and perhaps even go back to some of its former ways. Mr. Ambassador?

Amb. MONTGOMERY. Well, I have to tell you, this is not an easy issue. Our options are limited and unattractive. We've got to keep in mind that if a decision were made to go after Karadzic, Mladic, or anybody else militarily, it would be a decision made by the MAC. This would not be a unilateral decision by the United States. It would have to get agreement among the member countries of NATO to do this.

Then there would also be the question as to what sort of consultations you would have to do with the other countries that are participating in the IFOR mission because as we all know, if we did something like this, there would be risks, to IFOR and we may debate about how serious those risks are. Different people think differently, but there would be risks and therefore you do have the question of consultations with others.

So we have not gotten to that point because we see the potential downside to military action to be such that we find it an unattractive option even though all of our options are, to some extent, unattractive. So whenever this issue comes up, we think about this again, if you will, but we always come to the decision that it would present more risks and more problems than it would solve.

Mr. SMITH. So that's where it stands right now, more risks and more problems?

Amb. MONTGOMERY. Yes.

Mr. SMITH. Isn't it the case that there have been more people uprooted from their homes whether through ethnic cleansing, intimidation, or violence than had been returned to their homes since the Dayton Agreement was signed and IFOR deployed?

Amb. MONTGOMERY. It's very close. The last numbers I know are 70,000 people have returned to homes, 60,000 people have left, and those are the people around Sarajevo that left, in my view, more because of the scare tactics of Pale than anything else, but they did leave. The net gain has been a very small one.

Mr. SMITH. On Monday, I, along with Al D'Amato and Steny Hoyer, wrote to Ambassador Madeleine Albright asking her to support the cases being made by the president of the Tribunal who recently wrote the Security Council, as you know—

Amb. MONTGOMERY. Yes.

Mr. SMITH [continuing]. asking that, because of willful non-compliance, some sanctions be reimposed on Serbia. What is the administration's feeling on that at this point?

Amb. MONTGOMERY. We sympathize with Mr. Cassese in that clearly there has been non-compliance on the part of the Bosnian-Serbs in the Federal Republic of Yugoslavia. Certainly when Carl Bildt has had his discussions with Milosevic and others, including people in Republika Srpska, he's pointed out this possibility, and it's one of the options that he's considering.

So it's under consideration for sure, but before we would do anything like this, we have to weigh the upsides and downsides of taking this action. Of course, one of the downsides is would this stop cooperation in all areas of the Republika Srpska and the former Republic of Yugoslavia with all of Dayton? As I pointed out, there have been some real successes in other areas of the Dayton process.

So, it's not an easy decision to make. It's not one that we would make unilaterally. It's one that we'll make in conjunction with our allies; and, as I said, it will be a principal topic of discussion in Lyon.

Mr. SMITH. There have been some reports that the Bosniac or Muslim-Slav leadership has become less committed to a multi-ethnic Bosnian society and less tolerant of Serbs and Croats as a result. We've got reports that extremist Croats also appear to be firmly entrenched in the Herzegovina region. My question is, has the development of an election environment within the limited 6- to 9-month timeframe of Dayton encouraged this ethnic polarization to the detriment of more tolerant multi-ethnic and democratic opposition parties? Again, the law of unintended consequences.

Amb. MONTGOMERY. I really don't think that the fact that the prospect that elections are going to take place has been a catalyst to worsen the conditions, but at the same time, I would agree with you that what was seen over the past couple of months are increasing signs of intolerance by all sides.

I would say that the Bosnians, for their part, expressed the feeling that they have been asked time and again to make concessions without getting any major benefits from it. We do find that they are now, let's say, less willing to be as flexible as they were earlier. So we do see the trend.

Mr. SMITH. If the elections do go smoothly in September, what do you anticipate will be the next steps that the United States will take for building democracy and human rights in the area?

Amb. MONTGOMERY. Well, the next big step immediately after the elections is to press all the parties really to comply both in form and spirit with these national institutions. To have the meeting of the House of Representatives; to have the three presidents get together in the presidency; to start work on these national institutions; to have the central bank, for example, really function as a central bank with input from both entities, and that will be the next challenge because if that starts to work, it will be an excellent sign for the future of Bosnia-Herzegovina. If it doesn't work, then it will be a very negative sign.

So that will be something that we're going to be thinking about between now and the elections. So probably, if they go very well, we are going to pat ourselves on the back for about 24 hours, have some champagne, and then start worrying about this next step.

Mr. SMITH. Let me ask one final question before yielding to my friend. In talking informally with Mr. D'Amato and Mr. Hoyer and Mr. Mascara, who indicated they'd like to join in on this, if we put together a Helsinki-sponsored group of election observers, including a number of our commissioners, would that be helpful to the process or—

Amb. MONTGOMERY. It would be very helpful. I would love to see it. It would be very helpful. Actually what I'd love to see is if you

could get together a CODEL or something in July or something to go and look at the situation now. I'd love to go with you, talk to some of the opposition parties and get a feel for the situation. I think it would be a great step if you could put that together. But certainly, if you could do something for the elections, it would be a major contribution. We'd support it fully.

Mr. SMITH. I think both ideas are very fine. What would you anticipate the agenda would be, visiting refugee camps and other things as well or just limit it to the opposition parties?

Amb. MONTGOMERY. Well—

Mr. SDMITH. Of course, the main line.

Amb. MONTGOMERY. Yes. I think it would be important to visit a refugee camp, but I'd also like to take you to Banja Luka. I'd like to meet with some of the opposition parties in the Republika Srpska. I'd like you to meet, for example, Silajdzic and see how his party is progressing in the Federation and how he thinks conditions are for the elections, how he feels about it. I'd like you to see and talk to the people that are putting together this open broadcast network of TV.

I'd also try to take you to one or two of our economic reconstruction projects to show you that we're getting some things done on the ground. But if you gave me 2 or 3 days, I'd give you a real good tour over there. I think it would be very informative.

Mr. SMITH. I appreciate that. You know, just for the record, the Commission attempted a very extensive trip during the winter and early spring. Unfortunately, we were shot down because we didn't just want to do the windshield tour at Tuzla. We wanted to really get out and see the refugee camps and go to some of the areas where the war crimes had occurred and to try to really do something that is significant. Not to downgrade the other kinds of trips, but they seemed more sanitized and regrettably, we were turned down.

Apparently it was the Department of Defense that did not want that trip to go forward, so hopefully you could help us walk through that mine field as well.

Amb. MONTGOMERY. So to speak. I think it's changed a little bit in that when they first went in, they were really strapped for resources and again, the emphasis there was on Tuzla. I will put the emphasis on a lot of other places. We might stop in Tuzla, but I think there's a lot of other places to see that are also very valuable.

To give you an example, on my last trip, I went up to Brcko and talked to our commander on the ground around Brcko to see the situation there, to actually see on the ground how narrow that corridor is, and the importance of Brcko and to talk to people from all three parties up there. It's just real valuable on the ground to see it. You hear us talk all the time, but to see it for yourself and to hear it is very important.

Mr. SMITH. I appreciate that, Mr. Ambassador, and also your hands-on knowledge and your commitment. Mr. Mascara.

Mr. MASCARA. Thank you, Mr. Chairman. While I share many of the views of the senator and the Chairman and the ranking member, I'd just like to maybe go off in a different direction. During our visits with Presidents Milosevic, Izetbegovic, and Tudjman, there seemed to be a common thread: they were in favor of the Dayton

Peace Accord because of the economic decadence that was being suffered in central Europe. Perhaps I read a little more into it; perhaps their political survival depended on their being at the peace table because of the problems associated with the devastated economies in those three countries.

Given that, I think there is a sincere attempt on their part to go forward. We all agree with the gentlemen concerning the war criminals, Karadzic and Mladic. Something has to be done. I agree with you about going forward with the elections. Where do we go if we don't go forward with the elections?

In addition to the problems associated with the economy, I think the carnage there, the killing in Sarajevo, there was over 10,000 people killed, 1,600 of those were children, hundreds of thousands of people killed, I think the time was right to do something. But we have to go through with these elections and some of the questions I have are in regard to the election because of my former position as an election board chairman for 15 years, about protecting the integrity of the electoral process.

When I took over in 1980 in Washington County, Pennsylvania, we had paper ballots and we did everything possible to ensure the integrity of the process, and that people were not cheating. I was not sure that was not happening, so therefore we went through with a new process, a computer punch card.

I realize you don't have that ability in that part of the world today, but I was wondering how you expect to control those ballots. Will those ballots be numbered and assigned to specific areas and will they be hard to duplicate? That's one question. The other is given about only 35 percent of the people who are refugees have returned, about 70,000 of the 2 million people who are refugees—you did answer it in part earlier by saying that you'll have absentee ballots—and I was just wondering how that process will work. Do you have any idea, Ambassador?

Amb. MONTGOMERY. Yes. First of all, I should have taken notes on all your questions, but I'll try to answer them. If I forget one, let me know. On the last question first, basically there will be a number of sites in each country that holds refugees where refugees can go and vote and go to verify that their names are on the lists so that they can vote.

The challenge will be to disseminate this information widely so that the refugees are aware of it, and know how to take advantage of it and that's what the International Organization for Migration is going to be tasked with doing in conjunction with the OSCE and others to set up these sites and this process in each country.

Here we're looking at the League of Women Voters to help us, if we can get the necessary funding quickly, in order to educate the refugees, I believe there's around 20,000 of them in the United States, as to the process and where they can go to vote. That's one thing.

On the Dayton Accords, let me say that the Dayton Agreement, as you know, almost fell apart. Every single item on there was carefully negotiated and fought over, and so for all three parties, there are things in the agreement that they really like and there are things in the agreement that they really dislike. Our challenge is to see that they do the things that they really dislike, that

they've committed to do; and it's, as I said before, a very long process that we ultimately have had success in every area, but there is a lot of resistance as well.

So I think that certainly the boon of economic reconstruction assistance for all parties was a major element. Certainly stopping the fighting was a major element for some of the parties as well. For example, Izetbegovic, the President of the Republic of Bosnia, apparently said at Dayton very bitterly that he did not like the agreement at all; but in the end, it would stop the fighting so he'd accept it. So I think there's a lot of reasons why they signed on to it.

On the issue of voting and the ballots, we have a lot of experts who have done international elections around the world. Larry Garber, who now works for AID, is one of them. He was with me in Bulgaria when we had our first election after the transition period from communism. We have designed or they have designed with the OSCE a process by which there would be a certain number of ballots. There's a process that is very clear and transparent as to who has voted, how many votes they are.

We have 1,200 supervisors who will go around with the authority to make on-the-spot corrections in any procedures that violate the protocol that is set up for how the election booths will be brought and how the elections will be carried out. We've got 2,000 monitors that will go around and just observe the process, hopefully including from this commission, to see if, in fact, it's working properly.

So I can't, by any means, guarantee that there will be no fraud. In fact, I can guarantee that at least on low levels, there will certainly be attempts at fraud; but the hope is that the procedures that have been set up are detailed enough and are transparent enough that we'll be able to spot that fraud if it occurs.

Mr. MASCARA. As a member and chairman of the election board, the three-member board of county commissioners had to sit during the entire voting period, which is a total of 13 hours. If we couldn't settle the disputes at the voting precincts, then we had the Court of Common Pleas who assigned a judge who would then deal with an appeal from a voter who couldn't vote or somehow he thought his vote was not being counted. Is there a system in place of appeals for someone going into a voting precinct to vote?

Amb. MONTGOMERY. Yes, there is. There are 131 local election commissions that have been set up all around the country and they fall under something called the Provisional Election Commission which is at the national level; and this is a procedure by which if there are any decisions made in the pre-election period or during the elections, there is a mechanism set out for how these would be handled, both first at the local level and then at the National level.

A tribunal has been set up to judge cases to determine whether there's been fraud and to right wrongs, et cetera.

Mr. MASCARA. I thank you, Mr. Ambassador. I thank you, Mr. Chairman. I have no further questions.

Mr. SMITH. Thank you very much, Frank. Let me ask one final question, Mr. Ambassador. Thank you for your time and, again, I'm very impressed with your commitment and your ability to really do everything humanly possible to make what is a real difficult—without question is a very difficult situation, to say the least.

On May 23rd, several members of the Commission, almost the entirety of the Commission, including myself, sent a letter to Warren Christopher asking that he use his good offices, and I would make the same request of you, to secure the unconditional release of Father Tomislav Matanovic, and I know you're familiar with the case. He along with his parents are still held, we don't know where for sure, although there are some indications as to where he might be. Have you made any progress on this issue? What is the administration doing to try to secure his release?

Amb. MONTGOMERY. The last thing that I know we did is that, in April, we sent embassy officers to Prijedor to push this case and we were totally blown off by the local authorities. They would not really discuss it with us. They provided no information. We haven't let this go at all. We are pursuing it.

I think Secretary Kornblum intends to raise this as well on this current visit. What I have in my documents here is something that was prepared for him that includes some points on this case. So it's a disgraceful case and we are following up on it as best we can.

Mr. SMITH. I appreciate that and know of our concern and it's something at every avenue we'll try to raise as well. But certainly, you are the point of first contact with the Serbs and certainly with people like Milosevic.

Amb. MONTGOMERY. He was on the list. He was on the list provided by the Serbs. There's no reason why we shouldn't be able to get an accounting.

Mr. SMITH. If there are no further questions, I again thank you for your testimony, for your good work, and this hearing is adjourned.

[Whereupon at 3:35 p.m., the Commission adjourned.]



BOSTON PUBLIC LIBRARY



3 9999 05984 290 4



This is a U.S. Government publication produced by the
Commission on Security and Cooperation in Europe (CSCE).

★ ★ ★

This publication is intended to inform interested individuals and organizations about developments within and among the participating States of the Organization for Security and Cooperation in Europe (OSCE).

★ ★ ★

The CSCE publishes transcripts of official hearings held before the Commission, analyses of developments in the OSCE, and other periodic documents deemed relevant to the region. All CSCE publications may be freely reproduced, with appropriate credit, in any form. The CSCE encourages the widest possible dissemination of its publications.

★ ★ ★

For a listing of all available CSCE documents, to be placed on or deleted from the CSCE mailing list, or to request additional copies, please contact:

<p>CSCE 234 Ford House Office Building Washington, DC 20515-6460 Voice: (202)225-1901 FAX: (202) 226-4199 E-mail: CSCE @ HR.HOUSE.GOV</p>

★ ★ ★

Visit our site on the World-Wide Web at

<http://www.house.gov/csce/>

for immediate access to our electronic documents, press releases, and other information about the Commission on Security and Cooperation in Europe.



ISBN 0-16-054193-X

